

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
DIANA TABAK a/k/a DIANA ABRAMCHAYEVA, :  
:  
Plaintiff, : 20-CV-3049 (JMF)  
:  
-v- : ORDER  
:  
OMAR T. GRATZ et al., :  
:  
Defendants. :  
:  
-----X

JESSE M. FURMAN, United States District Judge:

As discussed during the telephone conference held on the record earlier today, Plaintiff Diana Tabak withdraws her objection to the timeliness of the removal of this matter from state court. *See* ECF No. 6. That said, as both parties agree that the case was removed to the wrong District, *see* 28 U.S.C. § 1446(a), and consent to the immediate transfer to the correct District under 28 U.S.C. § 1406(a), *see also, e.g.*, *Mortensen v. Wheel Horse Products, Inc.*, 772 F. Supp. 85, 91 (N.D.N.Y. 1991) (holding that where a case is removed to the wrong District under Section 1446(a), the court has authority to transfer the case to the proper District under Section 1406(a)), the Clerk of Court is directed to transfer the case to the Eastern District of New York immediately (i.e., without waiting the seven days prescribed by S.D.N.Y. Local Rule 83.1) and to close the case on this Court's docket.

SO ORDERED.

Dated: April 20, 2020  
New York, New York



\_\_\_\_\_  
JESSE M. FURMAN  
United States District Judge